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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/780844 |
|   | Filing Date            | 2/18/2004 |
|   | First Named Inventor   | Backes    |
|   | Art Unit               |           |
|   | Examiner Name          |           |
| Total Number of Pages in This Submission  | Attorney Docket Number | 160-012   |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                      |
|--|----------------------|
| Firm or Individual name                    | Mary Steubing        |
| Signature                                  | <i>Mary Steubing</i> |
| Date                                       | 10/22/04             |

| CERTIFICATE OF TRANSMISSION/MAILING   |                      |      |          |
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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                      |      |          |
| Typed or printed name   | Mary Steubing        |      |          |
| Signature   | <i>Mary Steubing</i> | Date | 10/26/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Backes et al.

Serial No.: 10/780844

Filed: 2/18/2004

Title: Transmission Channel Selection Method

Attorney Docket No.: 160-012

Group Art Unit:

Examiner:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 33212-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This Information Disclosure Statement is submitted before the mailing date of the first office action on the merits.

Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, if required, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

The relevance of the attached references is that this is the closest art of which Applicant is aware. Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 33212.

Date of Deposit: 10/26/04

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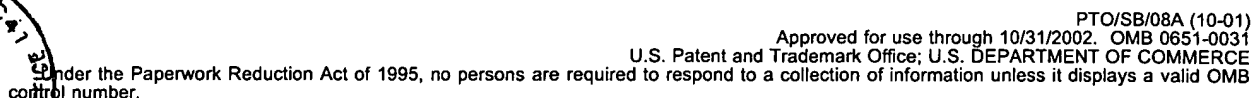
Signature: Mary Steubing

Respectfully submitted,

Mary Steubing  
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Date: 10/22/04

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| Examiner<br>Signature |  | Date<br>Considered |  |
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| Substitute for form 1449B/PTO   |   | <b>Complete if Known</b>      |           |
|   |   | <b>Application Number</b>     | 10/780844 |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(use as many sheets as necessary) |   | <b>Filing Date</b>            | 2/18/2004 |
|   |   | <b>First Named Inventor</b>   | Backes    |
|   |   | <b>Group Art Unit</b>         |           |
|   |   | <b>Examiner Name</b>          |           |
| <b>Sheet</b>  | 2 | <b>of</b>                     | 2         |
|   |   | <b>Attorney Docket Number</b> | 160-012   |

| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS |              |   |                |
|---|--------------|---|----------------|
| Examiner<br>Initials*                             | Cite,<br>No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|   |              | IEEE, Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) specifications, Standard 802.11, 1999 edition, Reference number ISO/IEC 8802-11:1999(E), 528 Pages.   |                |
|   |              | MICHAEL BARR, "Toward a Smaller Java", Embedded.com, June 14, 2002, Pages 1-9.  |                |
|   |              | Moustafa Youssef, "Handling Samples Correlation in the Horus System", IEEE INFOCOM 2004   |                |
|   |              | Kin K. Leung, "Integrated Link Adaptation and Power Control for Wireless IP Networks", AT&T Labs – research, January 19, 2000.  |                |
|   |              | Ana Zapater et. Al., "Development and Implementation of a Bluetooth Networking Infrastructure for the a Notebook – University Scenario", Institute of Communications Engineering, University of Hannover, May 13, 2003.   |                |
|   |              | Walter Klotz, "Graph Coloring Algorithms", 1999.  |                |
|   |              | Brent N. Chun et. Al., "Market-based Proportional resource Sharing for Clusters", University of California at Berkeley computer Science Division, September 1999.   |                |
|   |              | The Four Color Theorem, Web page, author(s) unknown, updated November 13, 1995.   |                |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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